

REMARKS

The Applicants initially note that the Examiner has allowed Claims 1-3, 5, and 48-51. The Applicants have also amended Claims 4, 32, 37, 38, and 42, and added new Claims 52 and 53 in order to more particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. The Applicants also note that the amendment to Claim 4 should also overcome the Examiner's specific claim objection.

Support for the amendments to the claims and for the new claims can be found throughout the original Specification, including in the original claims. Further support for the amendment to Claim 4 can be found on Page 30, lines 10-12 of the original Specification. Further support for the amendment to Claim 32 can be found on Page 11, lines 18-20 of the original Specification. Further support for newly added Claims 52 and 53 can be found on Page 5, lines 8-22 of the original Specification. Formerly dependent Claim 4 has been rewritten into an independent format. Claims 1-5, 32-42, and 48-53 are presented for consideration. No new matter has been entered.

Rejections under 35 USC § 112

The Examiner has rejected Claims 37 and 38 under 35 USC § 112 paragraph 2, and Claim 4 under 35 USC § 112 paragraph 1.

The Examiner points out that the term "immunogenic composition" was retained in Claims 37 and 38, but now lack antecedent basis, making the claims indefinite. The Examiner also asserts that Claim 4 fails to comply with the Written Description requirement under 35 USC § 112 paragraph 1.

The Applicants respectfully traverse the Examiner's rejection. The Applicants have amended Claims 4 and 32 (from which Claims 33-42 depend) to more particularly point out and distinctly claim the subject matter which the Applicants regard as their invention.

In view of the above and foregoing withdrawal of the rejections under 35 USC § 112 paragraphs 1 and 2 is respectively solicited.

The Present Invention is Novel

The Examiner has rejected Claim 4 under 35 U.S.C. § 102 (e) as being anticipated by Andersen *et al.* [U.S. Patent No. 6,838,262 B1] asserting that Andersen *et al.* teach a nucleic acid sequence which has 91% percent identity to a nucleic acid encoding the polypeptide of SEQ ID NO: 2.

The Applicants respectfully traverse the Examiner's rejection. However, the Applicants have amended Claim 4 to more particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. The Applicants believe that the amendment obviates the Examiner's rejection.

In view of the above and foregoing withdrawal of the rejections under 35 U.S.C. § 102 (e) is respectfully solicited.

If any additional fees are required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 19-0365.

The Applicants believe that the next step in the prosecution of this Application should be in the form of a Notice of Allowance and such action is respectfully solicited.

If the Examiner should have any questions regarding this Amendment and/or patent Application, she is encouraged to contact the undersigned attorney.

Schering-Plough Corporation
2000 Galloping Hill Road
Patent Department, K-6-1,1990
Kenilworth, NJ 07033
Tel: (908) 298-2194
Fax: (908) 298-5388

Respectfully submitted,



Michael D. Davis
Attorney for Applicants
Reg. No. 39,161
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